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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2009-163

13 MARIA LURLINE KHATIB
11819 Foothill Blvd., Suite C 168
Rancho Cucamonga, CA 91730

A C C U S A T I O N

14 and

15 1564 Phoenix Drive
Beaumont, CA 92223

16 Registered Nurse License No. 588749

17 Respondent.
18

19
20 Complainant alleges:

21 **PARTIES**

22 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) brings this Accusation
23 solely in her official capacity as the Executive Officer of the Board of Registered Nursing,
24 Department of Consumer Affairs.

25 2. On or about October 10, 2001, the Board of Registered Nursing (Board)
26 issued Registered Nurse License No. 588749 to Maria Lurline Khatib (Respondent). The
27 Registered Nurse License was in full force and effect at all times relevant to the charges brought
28 herein and will expire on February 28, 2011, unless renewed.

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3. This Accusation is brought before the Board, under the authority of the

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4. Section 118, subdivision (b), provides that the suspension / expiration /

5. Section 651 states, in pertinent part:

"(a) It is unlawful for any person licensed under this division or under any

"(b) A false, fraudulent, misleading, or deceptive statement, claim, or image

"(1) Contains a misrepresentation of fact.

"(2) Is likely to mislead or deceive because of a failure to disclose material

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"(5) Contains other representations or implications that in reasonable

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1 “(e) Any person so licensed may not use any professional card, professional
2 announcement card, office sign, letterhead, telephone directory listing, medical list, medical
3 directory listing, or a similar professional notice or device if it includes a statement or claim that
4 is false, fraudulent, misleading, or deceptive within the meaning of subdivision (b).

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6 “(g) Any violation of this section by a person so licensed shall constitute good
7 cause for revocation or suspension of his or her license or other disciplinary action. . . .”

8 6. Section 675 states:

9 “Every person, firm, association, partnership, or corporation offering a course of
10 instruction in any type of nursing, including vocational nursing or practical nursing, which course
11 of instruction is not accredited by the Board of Registered Nursing or by the Board of Vocational
12 Nursing and Psychiatric Technicians and completion of which will not qualify a person to take
13 any examination given by either board shall notify an applicant for admission thereto that the
14 course of instruction is not accredited by either board and that completion thereof will not qualify
15 the person to take any examination given by either board.

16 “The notice required by this section shall be in writing in at least 12-point
17 boldface type, and in no event less than two points larger than the type in any other portion of the
18 notice or contract, and shall be given to an applicant prior to the signing of any contract by the
19 applicant or, if no contract is signed, prior to the making of any deposit or other payment by the
20 applicant.

21 “If an applicant is required to sign a contract in order to enroll in the course of
22 instruction, the notice required by this section shall be contained in the contract directly above
23 the place for the applicant's signature.”

24 7. Section 2736 states:

25 “(a) An applicant for licensure as a registered nurse shall comply with each of
26 the following:

27 “(1) Have completed such general preliminary education requirements as shall
28 be determined by the board.

1 “(2) Have successfully completed the courses of instruction prescribed by the
2 board for licensure, in a program in this state accredited by the board for training registered
3 nurses, or have successfully completed courses of instruction in a school of nursing outside of
4 this state which, in the opinion of the board at the time the application is filed with the Board of
5 Registered Nursing, are equivalent to the minimum requirements of the board for licensure
6 established for an accredited program in this state.

7 “(3) Not be subject to denial of licensure under Section 480.

8 “(b) An applicant who has received his or her training from a school of nursing
9 in a country outside the United States and who has complied with the provisions of subdivision
10 (a), or has completed training equivalent to that required by subdivision (a), shall qualify for
11 licensure by successfully passing the examination prescribed by the board.”

12 8. Section 2750 provides, in pertinent part, that the Board may discipline any
13 licensee, including a licensee holding a temporary or an inactive license, for any reason provided
14 in Article 3 (commencing with section 2750) of the Nursing Practice Act.

15 9. Section 2761 states, in pertinent part:

16 “The board may take disciplinary action against a certified or licensed nurse or
17 deny an application for a certificate or license for any of the following:

18 “(a) Unprofessional conduct, which includes, but is not limited to, the
19 following:

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21 “(3) The use of advertising relating to nursing which violates Section 17500.

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23 “(d) Violating or attempting to violate, directly or indirectly, or assisting in or
24 abetting the violating of, or conspiring to violate any provision or term of this chapter [the
25 Nursing Practice Act] or regulations adopted pursuant to it. . . .”

26 10. Section 2764 provides, in pertinent part, that the expiration of a license
27 shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the
28 licensee or to render a decision imposing discipline on the license. Under Section 2811,

1 subdivision (b), the Board may renew an expired license at any time within eight years after the
2 expiration.

3 11. Section 2786, subdivision (a), states:

4 "An approved school of nursing is one which has been approved by the board,
5 gives the course of instruction approved by the board, covering not less than two academic years,
6 is affiliated or conducted in connection with one or more hospitals, and is an institution of higher
7 education or is affiliated with an institution of higher education. For purposes of this section,
8 "institution of higher education" includes community colleges offering an associate degree. An
9 approved school of nursing which is not an institution of higher education shall make an
10 agreement with an institution of higher education in the same general location to grant an
11 associate of arts degree to individuals who graduate from the school of nursing or to grant a
12 baccalaureate degree in nursing with successful completion of an additional course of study as
13 approved by the board and the institution involved."

14 12. Section 2798 states that "[i]t is unlawful for any one to conduct a school of
15 nursing unless the school has been approved as an accredited school by the board."

16 Section 2799 states that "any person who violates any of the provisions of this
17 chapter is guilty of a misdemeanor. ..."

18 13. Section 17500 states:

19 "It is unlawful for any person, firm, corporation or association, or any employee
20 thereof with intent directly or indirectly to dispose of real or personal property or to perform
21 services, professional or otherwise, or anything of any nature whatsoever or to induce the public
22 to enter into any obligation relating thereto, to make or disseminate or cause to be made or
23 disseminated before the public in this state, or to make or disseminate or cause to be made or
24 disseminated from this state before the public in any state, in any newspaper or other publication,
25 or any advertising device, or by public outcry or proclamation, or in any other manner or means
26 whatever, including over the Internet, any statement, concerning that real or personal property or
27 those services, professional or otherwise, or concerning any circumstance or matter of fact
28 connected with the proposed performance or disposition thereof, which is untrue or misleading,

1 and which is known, or which by the exercise of reasonable care should be known, to be untrue
2 or misleading, or for any person, firm, or corporation to so make or disseminate or cause to be so
3 made or disseminated any such statement as part of a plan or scheme with the intent not to sell
4 that personal property or those services, professional or otherwise, so advertised at the price
5 stated therein, or as so advertised. Any violation of the provisions of this section is a
6 misdemeanor punishable by imprisonment in the county jail not exceeding six months, or by a
7 fine not exceeding two thousand five hundred dollars (\$2,500), or by both that imprisonment and
8 fine.”

9 REGULATORY PROVISIONS

10 14. California Code of Regulations, title 16, section 1420 states, in pertinent
11 part:

12 “For purposes of this article, the term:

13 (a) “Accredited nursing program” means a school, program, department or
14 division of nursing accredited under the provisions of Sections 2785 through 2789 of the code;

15

16 (d) “Clinical practice” means the application of nursing knowledge and skills
17 in clinical facilities and participation in planned learning experiences in skills labs, by students,
18 both of which are designed to meet course objectives;

19

20 (g) “Education program” means an organized plan of instruction;

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22 (i) “Director” means the registered nurse faculty member who administers the
23 program and who has the authority and responsibility for yearly fiscal planning of its resources;

24

25 “(l) “Sponsoring hospital” means a hospital which has implemented and is
26 supporting a nursing program; . . .”

27 15. California Code of Regulations, title 16, section 1421, subdivision (a),
28 states:

1 “An educational institution or sponsoring hospital seeking accreditation of a new
2 program shall:

3 “(1) Notify the board in writing of its intent to offer a new program. Upon
4 notification of such intent, a nursing consultant will be assigned to assist the proposed program
5 with understanding the board's guidelines for the development of a new program.

6 “(2) Submit a report in accordance with the board's guidelines for proposed
7 programs.

8 “(3) Appoint a director who meets the requirements of Section 1425(b). Such
9 appointments shall be made upon acceptance of the plan for the proposed program.

10 “(4) No later than six months prior to the enrollment of students, submit a
11 formal proposal to the board demonstrating how the program will meet the requirements of
12 Sections 1424 through 1430.”

13 16. California Code of Regulations, title 16, section 1422, subdivision (a),
14 states that “[a] certificate of accreditation shall be issued to each nursing program when it is
15 initially accredited by the board.”

16 17. California Code of Regulations, title 16, section 1423 states:

17 “In order for a program to be accredited by the board or to retain its accreditation,
18 it shall comply with all requirements set forth in this article and in Sections 2786 through 2788 of
19 the code.”

20 18. California Code of Regulations, title 16, section 1425 states, in pertinent
21 part:

22 “A program shall report to the board all changes in faculty including changes in
23 teaching areas, prior to employment of or within 30 days after termination of employment of a
24 faculty member. Such changes shall be reported on forms provided by the board. . . .”

25 19. California Code of Regulations, title 16, section 1426 states, in pertinent
26 part:

27 “(a) The curriculum of a nursing program shall be that set forth in this section.
28 A program's curriculum shall not be implemented or revised until it has been approved by the

1 board.

2

3 “(d) Theory and clinical practice shall be concurrent in the following nursing
4 areas: medical-surgical, maternal/child, mental health, psychiatric nursing and geriatrics.
5 Instruction will be given in, but not limited to, the following: personal hygiene, human sexuality,
6 client abuse, cultural diversity, nutrition (including therapeutic aspects), pharmacology, legal,
7 social and ethical aspects of nursing, nursing leadership and management. . . .”

8 20. California Code of Regulations, title 16, section 1429 states, in pertinent
9 part:

10 “(a) An applicant who is licensed in California as a vocational nurse is eligible to
11 apply for licensure as a registered nurse if such applicant has successfully completed the courses
12 prescribed below and meets all the other requirements set forth in Section 2736 of the code. Such
13 applicant shall submit evidence to the board, including a transcript, of successful completion of
14 the requirements set forth in subsection (c) and of successful completion or challenge of courses
15 in physiology and microbiology comparable to such courses required for licensure as a registered nurse

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17 “(c) The additional education required of licensed vocational nurse applicants
18 shall not exceed a maximum of thirty (30) semester or forty-five (45) quarter units. Courses
19 required for vocational nurse licensure do not count toward fulfillment of the additional
20 education requirement. However, other courses comparable to those required for licensure as a
21 registered nurse, as specified in Section 1426, may be counted toward fulfillment of the
22 additional education requirement.

23 “Nursing courses shall be taken in an accredited school and shall be beyond
24 courses equivalent to the first year of professional nursing courses. The nursing content shall
25 include nursing intervention in acute, preventive, remedial, supportive, rehabilitative and
26 teaching aspects of nursing. Theory and courses with concurrent clinical practice shall include
27 advanced medical-surgical, mental health, psychiatric nursing and geriatric nursing. The nursing
28 content shall include the basic standards for competent performance prescribed in Section 1443.5

1 of these regulations.”

2 21. California Code of Regulations, title 16, section 1450 states, in pertinent
3 part:

4 “(a) For purposes of this Article:

5 “(1) Continuing Education” means the variety of forms of learning experiences,
6 including, but not limited to, lectures, conferences, academic studies, in service education,
7 institutes, seminars, workshops, extension studies, and independent/home study programs
8 undertaken by registered nurses for relicensure. These learning experiences are meant to enhance
9 the knowledge of the registered nurse in the practice of nursing in direct and indirect patient care.

10

11 “(6) “Approved Providers” means those individuals, partnerships, corporations,
12 associations, organizations, organized health care systems, educational institutions, or
13 governmental agencies offering continuing education as approved by the Board.”

14 22. California Code of Regulations, title 16, section 1454 states:

15 “(a) For the purpose of this Article, the title “approved provider” can only be used
16 when an individual, partnership, corporation, association, organization, organized health care
17 system, educational institution or governmental agency, having committed no act which would
18 lead to disciplinary action pursuant to Section 1459.1, has submitted a provider application on
19 forms supplied by the Board, remitted the appropriate fee and has been issued a provider number.

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21 “(h) Provider approval is non-transferable. . . .”

22 COST RECOVERY

23 23. Section 125.3 provides, in pertinent part, that the Board may request the
24 administrative law judge to direct a licentiate found to have committed a violation or violations
25 of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
26 enforcement of the case.

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1 **NCLEX**

2 24. The National Council of State Boards of Nursing (NCSBN) develops and
3 administers the NCLEX-RN examinations on behalf of the nursing boards in 50 states, the
4 District of Columbia, and four U.S. territories. Every registered nurse must pass the NCLEX-RN
5 examination before s/he can be licensed to practice.

6 **MINDSCOPE**

7 25. Respondent has conducted business as Mindscope Career Development
8 and Review Center for the past five years. In addition to doing business as Mindscope Career
9 Development and Review Center, Respondent does business as Mindscope Career Development
10 & Review Center, Inc., Mindscope International College Inc. and Mindscope Medical Support,
11 Inc., all California corporations, hereinafter known as "Mindscope", all collectively and all
12 encompassing for all of Respondent's businesses. All of Respondent's business locations are in
13 cities of Southern California: Artesia, Beaumont, Cerritos, Rancho Cucamonga, and San
14 Bernardino.

15 26. Respondent advertises, promotes, offers and provides Registered Nursing
16 prelicensure courses of instruction and/or nursing continuing education courses of study,
17 circumventing the Board. Respondent enrolls students and provides courses of theory
18 instruction. Respondent affiliates herself with an institution of higher education in the
19 Philippines to provide nonconcurrent clinical practice. Respondent advertises, promotes, offers
20 and enrolls students into an Advanced Nursing Degree and a Bachelors of Science in Nursing,
21 program with assertions that the curriculum qualifies the student to take the NCLEX-RN.
22 Respondent advertises, promotes, and offers courses of study to California licensed vocational
23 nurses (CLVN) and enrolls them into a nursing curriculum with assertions that: i) even though
24 their course of study is unaccredited by the Board, Mindscope's nursing courses of instruction are
25 equivalent to the minimum requirements of the Board; and ii) the graduating CLVN, with
26 Respondent's transcripts provided, shall qualify them for admission to the NCLEX-RN.
27 Respondent offers an accelerated program that can be completed and ready a person to complete
28 the NCLEX-RN in less than two (2) years, and be completed in as short of time as twelve

1 months. Respondent advertises, promotes and offers its nursing curriculum through its
2 dissemination of written brochures and an internet website.

3 27. Neither Mindscope nor any of Respondent's other business entities are one
4 California accredited registered nursing programs. Further, none of these entities are on the
5 Board's list of approved schools of registered nursing.

6 28. Neither Mindscope nor Respondent's other business entities are board
7 approved providers for the nursing program continuing education.

8 29. Neither Mindscope nor Respondent's other business entities provide a
9 course of nursing instruction/curriculum that has been approved by the Board.

10 30. Respondent has caused or will cause students to unnecessarily repeat
11 coursework. Respondent's actions have subverted the Board's requirements, pursuant to section
12 2785.5, to work with Board approved accredited nursing schools and programs to provide
13 efficient transfer agreements or models of instruction which aid in the development of the
14 nursing curriculum.

15 **FIRST CAUSE FOR DISCIPLINE**

16 **(Violating / Attempting to Violate the Nursing Practice Act)**

17 31. Respondent is subject to disciplinary action under section 2761,
18 subdivision (d), in that Respondent violated and/or attempted to violate and/or assisted, abetted
19 and/or conspired to violate terms or adopted regulations of the Nursing Practice Act.
20 Complainant refers to and by this reference incorporates the allegations set forth in paragraphs 24
21 - 30, inclusive, above, as though set forth fully. Respondent's violations are as follows:

22 a. Respondent conducted an unaccredited school of nursing, violating section
23 2786, subdivision (a), and section 2798, subdivision (a).

24 b. Respondent failed to utilize a course of nursing instruction/curriculum
25 approved by the Board, violating section 2786, subdivision (a), and California Code of
26 Regulations, title 16, section 1426, subdivision (a).

27 c. Respondent failed to notify applicants prior to the signing of any contract
28 by the applicant for admission, or prior to making a deposit or other payment, that any

1 completion of Respondent's courses will not contribute to qualification for the Board's registered
2 nursing licensure examination, violating section 675.

3 d. Respondent failed, in violation of section 675, to provide applicants prior
4 to enrollment, making of any deposit or other payment with a proper written notice that the
5 courses of instruction offered by Respondent is not accredited by the Board and that completion
6 of Respondent's program will not qualify the student to take any examination given by the Board
7 directly above the applicant's signature.

8 e. Respondent offers a less than two (2) year Registered Nursing prelicensure
9 course of instruction, violating section 2786, subdivision (a).

10 f. Respondent failed to affiliate itself with an institution of higher education
11 in the same general location of Artesia, California, violating section 2786, subdivision (a).

12 g. Respondent failed to provide a course of instruction/curriculum that is
13 concurrent in theory and clinical practice, and complete in theory, violating California Code of
14 Regulations, title 16, section 1426, subdivision (d).

15 h. Respondent failed to report to the board all changes in faculty, prior to
16 employment of, or within 30 days after termination of employment, violating California Code of
17 Regulations, title 16, section 1425.

18 i. Respondent failed to report to the board changes in teaching areas,
19 violating California Code of Regulations, title 16, section 1425.

20 j. Respondent failed to seek accreditation for any of its nursing programs in
21 writing to the Board prior to its enrollment of students, violating California Code of Regulations,
22 title 16, section 1421, subdivision (a).

23 k. Respondent transferred and/or attempted to transfer her continuing
24 education provider approval in violation of California Code of Regulations, title 16, sections
25 1450, subdivision (a)(1)(6) and 1454, subdivisions (a) and (h).

26 l. Respondent failed to provide registered nursing applicants training for
27 licensure as registered nurses, courses of instruction that are prescribed and approved by the
28 board in program(s) accredited by the Board for licensure, violating section 2736, subdivision

1 (a).

2 **SECOND CAUSE FOR DISCIPLINE**

3 **(False Fraudulent, Misleading or Deceptive Statement(s))**

4 32. Respondent is subject to disciplinary action under section 651, subdivision
5 (c), in conjunction with section 651, subdivision (a), as defined in section 651, subdivisions
6 (b)(1)(2)(5), in that Respondent disseminated or caused to be disseminated public
7 communications which are false, fraudulent, misleading or deceptive in that they are
8 misrepresentations of fact, and/or Respondent's communications are likely to mislead or deceive
9 because of her failure to disclose material facts, and/or Respondent's communications contain
10 representations and/or implications that in reasonable probability will cause an ordinarily prudent
11 person to misunderstand or be deceived. Complainant refers to and by this reference
12 incorporates the allegations set forth in paragraphs 24 - 31, inclusive, above, as though set forth
13 fully.

14 **THIRD CAUSE FOR DISCIPLINE**

15 **(Nursing Related Advertisement in Violation of Section 17500)**

16 33. Respondent is subject to disciplinary action under section 2761,
17 subdivision (a)(3), for violating section 17500, on the grounds of unprofessional conduct, in that
18 Respondent in order to induce others to enter into a contractual obligation with her, advertised
19 and made false and misleading statements regarding her unaccredited nursing program(s).
20 Complainant refers to and by this reference incorporates the allegations set forth in paragraphs 24
21 - 32, inclusive, above, as though set forth fully.

22 **PRAYER**

23 WHEREFORE, Complainant requests that a hearing be held on the matters herein
24 alleged, and that following the hearing, the Board issue a decision:

25 1. Revoking or suspending Registered Nurse License No. 588749, issued to
26 Respondent;

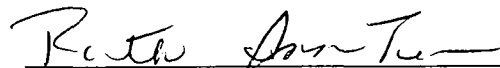
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2. Ordering Respondent to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

3. Taking such other and further action as deemed necessary and proper.

DATED: 1/26/09



RUTH ANN TERRY, M.P.H., R.N.

Executive Officer

Board of Registered Nursing

Department of Consumer Affairs

State of California

Complainant

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